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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,541	06/04/2001	Chun Lung Kwok	P-370.212	5868
30544	7590	07/14/2004	EXAMINER	
JACKSON WALKER, L.L.P. SUITE 2100 112 EAST PECAN ST. SAN ANTONIO, TX 78205			LUM VANNUCCI, LEE SIN YEE	
		ART UNIT	PAPER NUMBER	
		3611		

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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32112 7590 09/13/2002

INTELLECTUAL PROPERTY LAW OFFICE
1901 S. BASCOM AVENUE, SUITE 660
CAMPBELL, CA 95008

[REDACTED] EXAMINER

LUM, LEE S

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/13/2002

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Office Action Summary	Application No.	Applicant(s)	
	09/874,541	KWOK, CHUN LUNG	
	Examiner	Art Unit	
	Ms. Lee S. Lum	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 June 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because
 - a. The lower connector has been referenced by both "16" (Fig 3) and "18" (Fig 2).
 - b. The slots are identified by 31/32, but described in the spec, on pp 6-7 as 30/31.

A proposed drawing correction (or corrected drawings) are required in reply to this Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1- 6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The spec and drawings do not coincide with respect to

- the lower connector; described as both element numbers 16 (p 6) and 18 (p 7).
- the slots, described on pp 6-7 as 31/32, but as 30/31 in the drawings.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim, 2, "vertical slot" lacks antecedent basis.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang 6270095 in view of Chen 6276701, and Favorito et al 6199880.

Chang discloses kickboard 20 having front truck, comprising element 12, with wheel 28, flex deck 10, rear wheel (unidentified), foldable handle 25 connected to the chassis of the truck having a hinge connection comprising

forked upper connector 21 which fits over lower connector 12, the upper connector having vertical planar inner surfaces (unidentified in Fig 2 - two protruding ends) that fit snugly against surfaces of the lower connector, pivot pin 40 through the connectors, and, manually releasable lock 50.

The patent does not disclose the inner surfaces of the upper connector as fitting over the outer surfaces of the lower connector, but the opposite, which is functionally equivalent. However, Chen shows this particular configuration, with upper connector 52, and lower connector 40. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include an alternate configuration, as shown in Chen, for different applications.

Chang and Chen disclose only a single front wheel, while Favorito shows the truck 400 with pair of wheels 101. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include a pair of front wheels, as shown in Favorito, to increase stability in steering and riding, thus increase safety and comfort of the rider.

5. **Claims 2-6** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, ^{first and} second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure: Chen et al 6343798, Wu 6332621, Chen 6318741, Chen et al 6315307, Lin 6286845, 6270097, Cheng 6260866, Jez et al 5154436.

7. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9-530, M-F. Our fax number is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.

Ms. Lee S. Lum
Examiner
9/3/02

Brian L. Johnson
BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
9/4/02